

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BONNEVILLE HOT SPRINGS, INC. AND
CARSON HOT SPRINGS RESORT, LLC,

Defendants.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Charging Party and similarly situated female employees who were adversely affected by such practices. Plaintiff United States Equal Employment Opportunity Commission ("Plaintiff," "the Commission," or "the EEOC") alleges that Defendants Bonneville Hot Springs, Inc. and Carson Hot Springs Resort, LLC subjected Holly Nelson and a class of similarly situated female employees to sexual harassment, including a hostile work environment based on their sex, female, and subjected Ms. Nelson to constructive discharge. Plaintiff seeks

1 monetary relief, including pecuniary and non-pecuniary compensatory and punitive damages, and
2 injunctive relief on behalf of Ms. Nelson and a class of similarly situated employees.

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4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343
6 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII
7 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”), and
8 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

9 2. The employment practices alleged to be unlawful were committed within the
10 jurisdiction of the United States District Court for the Western District of Washington.

11
12 PARTIES

13 3. Plaintiff is the agency of the United States of America charged with the
14 administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this
15 action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and 3, and Section 102
16 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

17 4. At all relevant times, Defendant Bonneville Hot Springs, Inc. has been a corporation
18 continuously doing business in the state of Washington and employing at least fifteen (15)
19 employees.
20

21 5. At all relevant times, Defendant Carson Hot Springs Resort, LLC has been a
22 corporation continuously doing business in the state of Washington and employing at least fifteen
23 (15) employees.
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STATEMENT OF CLAIMS

9. From at least January 2, 2014, Defendants have engaged in unlawful employment practices in violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by subjecting Ms. Nelson and other female employees to a hostile work environment based on their sex, female, and by subjecting Ms. Nelson to constructive discharge.

10. The practices complained of in paragraph 9 include but are not limited to the following:

a. The owner of both Defendant entities, Perfil Cam, repeatedly subjected female employees to lewd sexual comments, sexual propositions, sexual innuendos, and remarks about their clothing and bodies.

b. Cam subjected female employees to unwanted touching such as kissing, hugs, rubbing of their arms and hands, pressing up against and/or touching their breasts. Cam grabbed female employees' hands, arms, and/or wrists and did not let go, forcing the female employees to pull away from him. Cam also pressed his erect penis up against a female employee. Cam caressed and pulled the hair of female employees.

c. Cam asked female employees to come to areas of the resorts that were not covered by the resorts' video surveillance cameras. Cam trapped female employees in a room or secluded area of the resorts.

11. Ms. Nelson and other female employees reported Cam's offensive and unwelcome sexual conduct on more than one occasion to various supervisors, managers, and the general managers. Defendants failed to take prompt or appropriate corrective action to prevent or remedy

1 the hostile work environment caused by Cam's offensive and unwelcome sexual conduct toward Ms.
2 Nelson and other aggrieved female employees.

3 12. During Ms. Nelson's employment she was subjected to ongoing sexual harassment.
4 Despite assurances from management that Cam would be kept away from her while she worked, Ms.
5 Nelson saw Cam unaccompanied in the vicinity of her work area. Defendant Bonneville Hot
6 Springs, Inc.'s inability to control Cam's behavior made the working conditions so intolerable that
7 Ms. Nelson felt forced to resign.
8

9 13. The effect of Defendants' practices complained of in paragraphs 9-12 above has been
10 to deprive Ms. Nelson and other aggrieved female employees of equal employment opportunities
11 because of their sex, female.
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13 14. The unlawful employment practices complained of in paragraphs 9-12 above were
14 intentional.
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16 15. The unlawful employment practices complained of in paragraphs 9-12 above were
17 done with malice or reckless indifference to the federally protected rights of Ms. Nelson and other
18 aggrieved female employees.
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20 PRAYER FOR RELIEF

21 Wherefore, the EEOC respectfully request that this Court:

22 A. Grant permanent injunction enjoining Defendants and/or its officers, successors,
23 agents, assigns, and all persons in active concert or participation with it, from engaging in any
24 employment practices which discriminate on the basis of sex.
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1 B. Order Defendants to institute and carry out policies, practices, and programs which
2 provide equal employment opportunities for all employees, and which eradicate the effects of its past
3 and present unlawful employment practices.

4 C. Order Defendants to make whole Ms. Nelson and those similarly situated by
5 providing compensation for past and future pecuniary losses resulting from the unlawful
6 employment practices described in paragraphs 7-12 above, including past and future out-of-pocket
7 expenses, in amounts to be determined at trial.
8

9 D. Order Defendants to make whole Ms. Nelson and those similarly situated by
10 providing compensation for past and future non-pecuniary losses resulting from the unlawful
11 employment practices complained of in paragraphs 9-12 above, including without limitation
12 emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.
13

14 E. Order Defendants to make Ms. Nelson whole by providing appropriate back pay with
15 prejudgment interest in amounts to be determined at trial, and/or other affirmative relief necessary to
16 eradicate the effects of Defendant's unlawful employment practices described in paragraphs 9-12
17 above, including but not limited to, front pay compensation for Ms. Nelson in lieu of reinstatement
18 in an amount to be determined at trial.
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20 F. Order Defendants to pay Ms. Nelson and those similarly situated punitive damages
21 for its malicious and reckless conduct described in paragraphs 9-12 above, in amounts to be
22 determined at trial.
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24 G. Grant such further relief as the Court deems necessary and proper in the public
25 interest.
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27 H. Award the Commission its costs of this action.
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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Dated this 13th day of May, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

DATED this 13th day of May, 2019

/s/ Rebecca Eaton
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